



**DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF UNDERGROUND STORAGE TANKS
4TH FLOOR, L & C TOWER
401 CHURCH STREET
NASHVILLE, TENNESSEE 37243-1541**

July 1, 2008

RE: Red Tagging of Fill Ports/UST Delivery Prohibition Process

Dear Owners of and Distributors to Petroleum Underground Storage Tanks:

On July 1, 2004 the Tennessee Petroleum Underground Storage Tank Act (UST Act) began providing authority to affix a notice or tag to a dispenser and/or fill port for any tank without a current certificate. The Federal Energy Policy Act of 2005 next required states receiving Federal funding to have a delivery prohibition program. Consequently, the Division of Underground Storage Tanks developed and implemented a process to comply with the laws.

On July 1, 2008 new amendments to the UST Act simplified whether or not fuel could be placed into an UST by eliminating the annual certificate. Consequently, beginning July 1, 2008, the following changes take effect:

- The Division will no longer issue a certificate to each facility
- The Division will issue a receipt for the annual tank fees that is not tied to the ability to receive fuel
- The ability to receive fuel will be tied to the presence or absence of a red tag on the fill port and listing on the Division's web site

The Division will continue to red tag (affix a red tag to each fill port) all USTs at a facility for:

- Failure to pay annual tank fees and associated late penalties – no change in process
- Violations that result in a Final Order and civil penalties – no change in process



The UST Facilities Ineligible for Deliveries posting on the Division's website will also be kept for distributors to review.

The Red Tag Process will apply to **all** tanks at a facility, and authorization to remove the tag(s) will not be given until all corrections are complete.

T.C.A. § 68-215-106(c) has been amended to state:
“(c) For any petroleum underground storage tank for which any annual fees or penalties have not been paid when due or that is in violation of requirements of the rules as evidenced by an order issued pursuant to this part that has become final, the commissioner may take one or more of the following actions:

- (1) Affix a notice to a dispenser;
 - (2) Affix a tag to a fill port; or
 - (3) Give notice on the department web site.
- (d) Removal of such tag or notice shall be a Class C misdemeanor.”

Sincerely,

Stanley R. Boyd, Director